

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**CADENCE BANK f/k/a
BANCORPSOUTH BANK and
CENTURY BANK,**

Plaintiffs,

v.

**BRIDGELINK ENGINEERING, LLC;
COLE WAYNE JOHNSON, CORD
HENRY JOHNSON, BIGHORN
CONSTRUCTION AND
RECLAMATION, L.L.C.; BIGHORN
SAND & GRAVEL LLC, BIGHORN
INVESTMENTS AND PROPERTIES,
LLC,**

Defendants.

Civil Action No 4:23-CV-00609-BJ

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared John C. Leininger, a person whose identity is known to me. After I administered an oath to him, upon the oath he said:

1. "My name is John C. Leininger. I am over the age of 18 years and am competent to make this Affidavit. I have never been convicted of a felony or crime of moral turpitude. The facts stated within this Affidavit are true and correct and are within my personal knowledge based on appropriate investigation."

2. "The statements in this Supplemental Affidavit and the exhibits attached hereto supplement and incorporate by reference as if fully set forth herein, the statements I made in and exhibits attached to my original affidavit (Dkt. No. 37-1, App. 343 – 375) offered in support of Plaintiffs' Motion for Summary Judgment (Dkt. No. 35)."

3. "My original Affidavit described the attorneys' fees and expenses charged to Century Bank for legal services provided to Century Bank from March 10, 2023, through February 29, 2024. This Supplemental Affidavit documents the attorneys' fees and expenses charged to Century Bank for legal services provided to Century Bank from March 1, 2024, through May 31, 2024."

4. "Because of my personal involvement in and oversight of this case, my review of the file and timesheets, and my correspondence with Century Bank and the other attorneys at my firm, I have personal knowledge of the work performed by Otteson Shapiro attorneys and paralegals on behalf of Century Bank for the period March 1, 2024, through May 31, 2024."

5. "From March 1, 2024, through May 31, 2024, I, along with Otteson Shapiro attorneys Kevin Schutte, and Christian Otteson as well as paralegal Courtney Poteete provided or assisted the provision of legal services to Century Bank in connection with this case. These services are described in the monthly billing statements attached hereto as Exhibit E-1."

6. "The relevant backgrounds of the Otteson Shapiro attorneys and paralegal were previously described in my original Affidavit and are incorporated by reference herein."

7. "I am a custodian of records for Otteson Shapiro LLP and am familiar with the practices and procedures at Otteson Shapiro LLP for making and maintaining records used to generate invoices for the legal services performed by Otteson Shapiro in this case. Attached to this Supplemental Affidavit as Exhibit E-1 are the records of Otteson Shapiro LLP that provide itemized statements of the services and the charges for the services that I, along with other Otteson Shapiro LLP attorneys and paralegal described herein, have provided to Century Bank, from March 1, 2024, through May 31, 2024, in connection with Century Bank's efforts to collect the indebtedness owed by the Defendants."

8. "The attached records are kept by Otteson Shapiro LLP in the regular course of business. It is the regular course of business for timekeepers at Otteson Shapiro LLP, who have personal knowledge of the information, or an employee or representative of the timekeepers, based upon information transmitted to them by the timekeepers, to record the amount of time devoted to a particular matter at or near the time or reasonably soon after the time that the work is performed. Such information is electronically stored and maintained by Otterson Shapiro LLP in the regular course of its business. It is the ordinary and regular business practice of Otteson Shapiro to electronically maintain the daily entries with respect to the work performed and the time devoted to specific matters, as well as any related costs or expenses, and at the end of a billing period such electronically maintained information is used to generate invoices. The attached records accurately reflect the time spent by Otteson Shapiro LLP in representing Century Bank in connection with the above-described matters."

9. "As shown by the attached Otteson Shapiro LLP records, the attorneys' fees and expenses incurred by Century Bank for the period March 1, 2024, through May 31, 2024, for the legal services provided by Otteson Shapiro LLP in connection with Century Bank's efforts to collect the indebtedness from the Defendants \$77,570.46. As reflected in the Otteson Shapiro LLP's records, the hourly billing rate charged for my services in this matter has been \$490.00 -

\$520.00, the hourly billing rates for the other Otteson Shapiro LLP attorneys providing the services described herein have ranged from \$290.00 to \$650.00, and the hourly billing rate for the paralegals and other legal support staff in this matter were \$220.00 - \$230.00."

10. "I am knowledgeable of the fees customarily charged in the Northern District of Texas for work similar to that reflected in the attached Otteson Shapiro LLP records. Based on my knowledge of such fees, my experience, the hours spent, the work performed, the expertise required, the complexity of issues involved, the results obtained, and the other factors set forth in Rule 1.04 of the Texas Disciplinary Rules of Professional Conduct, it is my opinion that the legal services provided to Century Bank by Otteson Shapiro LLP, as reflected in the attached records, were necessary and the amount charged for those services was reasonable at the time and place that the services were provided."

Further, affiant sayeth not.



John C. Leininger

SUBSCRIBED and SWORN to this 13th day of June, 2024.



Notary Public in and for the State of Texas

My Commission Expires 09/13/2026

